United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JANET MILLER	§	
	§	
vs.	§	Civil Action No. 4:11cv269
	§	(Judge Schneider/Judge Mazzant)
COMMONWEALTH FINANCIAL SYSTEMS, INC.	§	
	§	

NOTICE OF IMPENDING DISMISSAL

The court records indicate that more than 90 days have passed from the filing of the above complaint and defendant has not been served. This notice serves to inform plaintiff that the action shall be dismissed without prejudice as to defendant unless plaintiff completes service of process within 120 days after the filing of the complaint, in accordance with F. R. Civ. P. 4(m).

To avoid dismissal pursuant to 4(m), if more than 120 days are necessary for service of process, counsel must execute a verified petition RE: Service of Process, advising the court:

A. That the case should not be dismissed as to the unserved defendant;

B. That the failure to obtain service upon defendant is not due to the fault of the party or counsel seeking to avoid dismissal;

C. The reasons why the case against the unserved defendant should not be dismissed, set forth in detail; and

D. That service will be effected on the defendant within thirty (30) days of the date of the petition.

This petition must be filed with the court on or before **August 25, 2011.** If the Court is satisfied that the case should not be dismissed as to the unserved defendant, plaintiff will be so notified. If dismissal of the case as to the unserved defendant is satisfactory to the plaintiff, no action is required. By executing the petition RE: Service of Process, plaintiff need not appear in support thereof until and/or unless so notified by the Court.

SIGNED this 15th day of August, 2011.

AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE